

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6411**

Chapter 54, Laws of 2004

58th Legislature  
2004 Regular Session

FOOD ASSISTANCE

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 4, 2004  
YEAS 44 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House March 9, 2004  
YEAS 77 NAYS 18

FRANK CHOPP

**Speaker of the House of Representatives**

Approved March 22, 2004.

GARY F. LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SENATE BILL 6411** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

FILED

March 22, 2004 - 4:40 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 6411**

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Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** Senators Brandland, Rasmussen, Sheahan, Hargrove, Swecker, Brown, Jacobsen, McAuliffe, Regala, Eide, Kline, Kohl-Welles and Winsley

Read first time 01/20/2004.      Referred to Committee on Children & Family Services & Corrections.

1            AN ACT Relating to reducing hunger; amending RCW 74.08A.010 and  
2            74.08.025; adding a new section to chapter 28A.235 RCW; adding a new  
3            section to chapter 74.04 RCW; and creating new sections.

4            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    The legislature recognizes that hunger and  
6            food insecurity are serious problems in the state.    Since the United  
7            States department of agriculture began to collect data on hunger and  
8            food insecurity in 1995, Washington has been ranked each year within  
9            the top five states with the highest levels of hunger.    A significant  
10           number of these households classified as hungry are families with  
11           children.

12           The legislature recognizes the correlation between adequate  
13           nutrition and a child's development and school performance.    This  
14           problem can be greatly diminished through improved access to federal  
15           nutrition programs.

16           The legislature also recognizes that improved access to federal  
17           nutrition and assistance programs, such as the federal food stamp  
18           program, can be a critical factor in enabling recipients to gain the  
19           ability to support themselves and their families.    This is an important

1 step towards self-sufficiency and decreased long-term reliance on  
2 governmental assistance and will serve to strengthen families in this  
3 state.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235  
5 RCW to read as follows:

6 (1) For the purposes of this section:

7 (a) "Free or reduced-price lunch" means a lunch served by a school  
8 district participating in the national school lunch program to a  
9 student qualifying for national school lunch program benefits based on  
10 family size-income criteria.

11 (b) "School lunch program" means a meal program meeting the  
12 requirements defined by the superintendent of public instruction under  
13 subsection (4) of this section.

14 (c) "Summer food service program" means a meal or snack program  
15 meeting the requirements defined by the superintendent of public  
16 instruction under subsection (5) of this section.

17 (2) School districts shall implement a school lunch program in each  
18 public school in the district in which educational services are  
19 provided to children in any of the grades kindergarten through four and  
20 in which twenty-five percent or more of the enrolled students qualify  
21 for a free or reduced-price lunch. In developing and implementing its  
22 school lunch program, each school district may consult with an advisory  
23 committee including school staff, community members, and others  
24 appointed by the board of directors of the district.

25 (3) Applications to determine free or reduced-price lunch  
26 eligibility shall be distributed and collected for all households of  
27 children in schools containing any of the grades kindergarten through  
28 four and in which there are no United States department of agriculture  
29 child nutrition programs. The applications that are collected must be  
30 reviewed to determine eligibility for free or reduced-price lunches.  
31 Nothing in this section shall be construed to require completion or  
32 submission of the application by a parent or guardian.

33 (4) Using the most current available school data on free and  
34 reduced-price lunch eligibility, the superintendent of public  
35 instruction shall adopt a schedule for implementation of school lunch  
36 programs at each school required to offer such a program under  
37 subsection (2) of this section as follows:

1 (a) Schools not offering a school lunch program and in which  
2 twenty-five percent or more of the enrolled students are eligible for  
3 free or reduced-price lunch shall implement a school lunch program not  
4 later than the second day of school in the 2005-06 school year and in  
5 each school year thereafter.

6 (b) The superintendent shall establish minimum standards defining  
7 the lunch meals to be served, and such standards must be sufficient to  
8 qualify the meals for any available federal reimbursement.

9 (c) Nothing in this section shall be interpreted to prevent a  
10 school from implementing a school lunch program earlier than the school  
11 is required to do so.

12 (5) Each school district shall implement a summer food service  
13 program in each public school in the district in which a summer program  
14 of academic, enrichment, or remedial services is provided and in which  
15 fifty percent or more of the children enrolled in the school qualify  
16 for free or reduced-price lunch. However, the superintendent of public  
17 instruction shall develop rules establishing criteria to permit an  
18 exemption for a school that can demonstrate availability of an adequate  
19 alternative summer feeding program. Sites providing meals should be  
20 open to all children in the area, unless a compelling case can be made  
21 to limit access to the program. The superintendent of public  
22 instruction shall adopt a definition of compelling case and a schedule  
23 for implementation as follows:

24 (a) Beginning the summer of 2005 if the school currently offers a  
25 school breakfast or lunch program; or

26 (b) Beginning the summer following the school year during which a  
27 school implements a school lunch program under subsection (4) of this  
28 section.

29 (6) Schools not offering a breakfast or lunch program may meet the  
30 meal service requirements of subsections (4) and (5) of this section  
31 through any of the following:

32 (a) Preparing the meals on-site;

33 (b) Receiving the meals from another school that participates in a  
34 United States department of agriculture child nutrition program; or

35 (c) Contracting with a nonschool entity that is a licensed food  
36 service establishment under RCW 69.07.010.

37 (7) Requirements that school districts have a school lunch program  
38 under this section shall not create or imply any state funding

1 obligation for these costs. The legislature does not intend to include  
2 these programs within the state's obligation for basic education  
3 funding under Article IX of the state Constitution.

4 (8) The requirements in this section shall lapse if the federal  
5 reimbursement for any school breakfasts, lunches, or summer food  
6 service programs is eliminated.

7 (9) School districts may be exempted from the requirements of this  
8 section by showing good cause why they cannot comply with the office of  
9 the superintendent of public instruction to the extent that such  
10 exemption is not in conflict with federal or state law.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW  
12 to read as follows:

13 (1) To the maximum extent allowable by federal law, the department  
14 shall implement simplified reporting for the food stamp program by  
15 October 31, 2004.

16 (2) For the purposes of this section, "simplified reporting" means  
17 the only change in circumstance that a recipient of a benefit program  
18 must report between eligibility reviews is an increase of income that  
19 would result in ineligibility for the benefit program or a change of  
20 address. Every six months the assistance unit must either complete a  
21 semiannual report or participate in an eligibility review.

22 **Sec. 4.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to  
23 read as follows:

24 (1) A family that includes an adult who has received temporary  
25 assistance for needy families for sixty months after July 27, 1997,  
26 shall be ineligible for further temporary assistance for needy families  
27 assistance.

28 (2) For the purposes of applying the rules of this section, the  
29 department shall count any month in which an adult family member  
30 received a temporary assistance for needy families cash assistance  
31 grant unless the assistance was provided when the family member was a  
32 minor child and not the head of the household or married to the head of  
33 the household.

34 (3) The department shall refer recipients who require specialized  
35 assistance to appropriate department programs, crime victims' programs

1 through the department of community, trade, and economic development,  
2 or the crime victims' compensation program of the department of labor  
3 and industries.

4 (4) The department may exempt a recipient and the recipient's  
5 family from the application of subsection (1) of this section by reason  
6 of hardship or if the recipient meets the family violence options of  
7 section 402(A)(7) of Title IVA of the federal social security act as  
8 amended by P.L. 104-193. The number of recipients and their families  
9 exempted from subsection (1) of this section for a fiscal year shall  
10 not exceed twenty percent of the average monthly number of recipients  
11 and their families to which assistance is provided under the temporary  
12 assistance for needy families program.

13 (5) The department shall not exempt a recipient and his or her  
14 family from the application of subsection (1) of this section until  
15 after the recipient has received fifty-two months of assistance under  
16 this chapter.

17 (6) Beginning on October 31, 2005, the department shall provide  
18 transitional food stamp assistance for a period of five months to a  
19 household that ceases to receive temporary assistance for needy  
20 families assistance and is not in sanction status. If necessary, the  
21 department shall extend the household's food stamp certification until  
22 the end of the transition period.

23 **Sec. 5.** RCW 74.08.025 and 1997 c 58 s 101 are each amended to read  
24 as follows:

- 25 (1) Public assistance may be awarded to any applicant:
  - 26 (a) Who is in need and otherwise meets the eligibility requirements
  - 27 of department assistance programs; and
  - 28 (b) Who has not made a voluntary assignment of property or cash for
  - 29 the purpose of qualifying for an assistance grant; and
  - 30 (c) Who is not an inmate of a public institution except as a
  - 31 patient in a medical institution or except as an inmate in a public
  - 32 institution who could qualify for federal aid assistance: PROVIDED,
  - 33 That the assistance paid by the department to recipients in nursing
  - 34 homes, or receiving nursing home care, may cover the cost of clothing
  - 35 and incidentals and general maintenance exclusive of medical care and
  - 36 health services. The department may pay a grant to cover the cost of
  - 37 clothing and personal incidentals in public or private medical

1 institutions and institutions for tuberculosis. The department shall  
2 allow recipients in nursing homes to retain, in addition to the grant  
3 to cover the cost of clothing and incidentals, wages received for work  
4 as a part of a training or rehabilitative program designed to prepare  
5 the recipient for less restrictive placement to the extent permitted  
6 under Title XIX of the federal social security act.

7 (2) Any person otherwise qualified for temporary assistance for  
8 needy families under this title who has resided in the state of  
9 Washington for fewer than twelve consecutive months immediately  
10 preceding application for assistance is limited to the benefit level in  
11 the state in which the person resided immediately before Washington,  
12 using the eligibility rules and other definitions established under  
13 this chapter, that was obtainable on the date of application in  
14 Washington state, if the benefit level of the prior state is lower than  
15 the level provided to similarly situated applicants in Washington  
16 state. The benefit level under this subsection shall be in effect for  
17 the first twelve months a recipient is on temporary assistance for  
18 needy families in Washington state.

19 (3) Any person otherwise qualified for temporary assistance for  
20 needy families who is assessed through the state alcohol and substance  
21 abuse program as drug or alcohol-dependent and requiring treatment to  
22 become employable shall be required by the department to participate in  
23 a drug or alcohol treatment program as a condition of benefit receipt.

24 (4) In order to be eligible for temporary assistance for needy  
25 families (~~and food stamp program~~) benefits, any applicant with a  
26 felony conviction after August 21, 1996, involving drug use or  
27 possession, must: (a) Have been assessed as chemically dependent by a  
28 chemical dependency program approved under chapter 70.96A RCW and be  
29 participating in or have completed a coordinated rehabilitation plan  
30 consisting of chemical dependency treatment and vocational services;  
31 and (b) have not been convicted of a felony involving drug use or  
32 possession in the three years prior to the most current conviction.

33 (5) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt  
34 individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(2)  
35 to ensure eligibility for federal food assistance.

36 NEW SECTION. Sec. 6. If any part of this act is found to be in  
37 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state, the conflicting part of  
2 this act is inoperative solely to the extent of the conflict and with  
3 respect to the agencies directly affected, and this finding does not  
4 affect the operation of the remainder of this act in its application to  
5 the agencies concerned. Rules adopted under this act must meet federal  
6 requirements that are a necessary condition to the receipt of federal  
7 funds by the state.

8 NEW SECTION. **Sec. 7.** If specific funding for the purposes of  
9 section 2 of this act, referencing this act by bill or chapter number,  
10 is not provided by June 30, 2004, in the omnibus appropriations act,  
11 section 2 of this act is null and void.

Passed by the Senate March 4, 2004.

Passed by the House March 9, 2004.

Approved by the Governor March 22, 2004.

Filed in Office of Secretary of State March 22, 2004.